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S.N. 10/000,024  
Wilfred F. Brake, et al.  
Atty Dkt. 10016241-1

**REMARKS**

Claims 1-16 were pending in the application prior to this response. Claims 1-9, 13 and 15 have been canceled herein. Claims 10-12, 14 and 16 remain in the application unchanged by this response. New claims 21-34 have been added. Accordingly, after entry of the amendment presented herein, claims 10-12, 14, 16 and 21-34 will be pending in the application. Reconsideration is requested.

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**I. Rejection of Claims 1-4 and 6-13 under 35 U.S.C. §102(e)**

Claims 1-4 and 6-13 stand rejected under 35 U.S.C. §102(e) as being anticipated by Kazami (U.S. 6,289,178). Reconsideration of the Examiner's rejection is respectfully requested.

At the outset, applicants note that the heading of the rejection, appearing on page 2 of the Office action, omits claim 8 from the list of claims being rejected. The Examiner, however, discusses claim 8 in the body of the rejection (see page 3, third full paragraph). It, thus appears that the Examiner intended to include claim 8 in the instant rejection and applicants have responded herein accordingly. If this is incorrect, then applicants respectfully request notification and a reasonable opportunity to further respond.

Claims 1-4 and 6-9

Claims 1-4 and 6-9 have been canceled.

Claim 10

Claim 10 recites the following:

A camera user interface assembly comprising:  
at least one object viewer;  
a resizable, image-capture-area designator superimposed on  
said at least one object viewer;  
a size selector operatively associated with said designator  
having at least one operating mode wherein said size selector is  
operable to **continuously increase and continuously decrease** the

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size of said designator.

The Examiner takes the position that applicants' recited image-capture-area designator is met by the frames 24-26 of Kazami (Fig. 6). The Kazami frames 24-26, however, represent *discrete steps* and, thus, are not capable of having their size *continuously* increased and decreased as required by claim 10. It is noted that the Examiner states the following on page 3 of the Office action (regarding the rejection of dependent claim 6):

... Kazami further discloses in FIG. 6 three designation display sizes 24-26. Since there are three sizes and the designator cannot be between those three sizes it consists of three discrete steps. Each step is associated with the zoom step it represents, chosen by the selector.

Accordingly, since Kazami only discloses a size designator changeable in discrete steps, Kazami does not anticipate claim 10 which, as discussed above, requires that the size designator be *continuously* increased and decreased.

#### Claim 11

Independent claim 11 recites "wherein said size selector is operable to continuously increase and continuously decrease the size of said designator." Accordingly, claim 11 is allowable for at least the reasons advanced above with respect to claim 10.

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Claim 12

Independent claim 12 recites "continuously resizing the indicia from a smaller size to a larger size and from the larger size the smaller size."  
Accordingly, claim 12 is allowable for at least the reasons advanced above with respect to claim 10.

Claim 13

Claim 13 has been canceled.

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**II. Rejection of Claims 5 and 14-16 under 35 U.S.C. §103(a)**

Claims 5 and 14-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kazami (U.S. 6,289,178) in view of Niikawa et al. (U.S. 6,812,967). Reconsideration of the Examiner's rejection is respectfully requested.

Claim 5

Claim 5 has been canceled.

Claim 14

Independent claim 14 recites "continuously shrinking and enlarging the area designator...." As discussed above, with respect to the rejection of claim 10, Kazami only discloses a size designator changeable in discrete steps and, thus, does not disclose *continuously* shrinking and enlarging the designator as recited in claim 14. Niikawa et al. does nothing to remedy this inadequacy. Accordingly, the proposed combination of Kazami and Niikawa et al. fails to disclose or suggest all of the limitations of claim 14. A *prima facie* case of obviousness, thus, has not been established.

Claim 15

Claim 15 has been canceled.

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Claim 16

Independent claim 16 recites a toggle that is "operable to continuously resize the image-capture-area designator...." Accordingly, claim 16 is allowable for at least the reasons advanced above with respect to claim 14.

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### III. New Claims 21-34

New claims 21-34 have been added herein. These claims are fully supported by the application as originally filed. No new matter has been added. The subject matter of new claims 21 and 28 previously appeared, for example, in originally-filed claim 1. New claims 22-27 correspond generally to originally-filed claims 2-5, 7 and 8, respectively. New claims 29-34 also correspond generally to originally-filed claims 2-5, 7 and 8, respectively.

In view of the above, all of the claims are now believed to be in condition for allowance. Re-examination and reconsideration are requested.

Respectfully submitted,  
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